



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,056	06/06/2001	Akira Okano	209427US0	5636

22850 7590 05/29/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MERTZ, PREMA MARIA

ART UNIT	PAPER NUMBER
----------	--------------

1646

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY-DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	10

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The reply filed on 4/9/03 in Paper No. 9 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In the restriction of Paper No. 8, 3/10/03, Group 1, drawn to claims 1-10 is drawn to a polypeptide of SEQ ID NO:3. Applicants have elected Group I but have stated that the protein species of SEQ ID NO:4 is elected and have indicated that the elected claims are 1-8, 10-14. Applicants have completely misconstrued the restriction requirement. Group I is drawn to a polypeptide of SEQ ID NO:3, Group II is drawn to a polypeptide of SEQ ID NO:4, Group III is drawn to a polypeptide of SEQ ID NO:5, Group IV is drawn to a polypeptide of SEQ ID NO:6, Group V is drawn to a polypeptide of SEQ ID NO:7 and Group VI is drawn to a polypeptide of SEQ ID NO:8. Similarly each of the other Groups are drawn to an agonist each of these proteins, an antagonist to each of these proteins, a DNA encoding each of these proteins and a method of determining whether a test substance is an agonist or an antagonist of each of these proteins. If Applicants intend to elected the polypeptide of SEQ ID NO:4, then the Group that must be elected is Group II.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prema Mertz whose telephone number is (703) 308-4229. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM (Eastern time).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 305-3014 or (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 746-5300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.


Prema Mertz Ph.D.
Primary Examiner
Art Unit 1646
May 8, 2003